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J. PAUL BROWN
Colorado State Representative
House District 59

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HOUSE OF REPRESENTATIVES
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Jim F.
EPR

1260565 - R8 SDMS

October 24, 2011

James B. Martin
Administrator – Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Upper Cement Creek, Silverton Colorado

Dear Administrator Martin:

I write to you out of serious concern with respect to the fact that your Agency is considering putting the Upper Cement Creek area near Silverton, Colorado on the Superfund National Priorities List. I strongly oppose this course of action, and believe it would cause great harm to the community. The proven collaborative process of the Animas River Stakeholders Group is the best route to timely, and efficient improvement of water quality in the Animas River. Please allow this collaborative process to work. I would much rather see resources put towards improving water quality in the Animas River through the collaborative model, than see resources wasted in the adversarial and inefficient Superfund process.

Thank you for your attention.

Sincerely,

J Paul Brown
Colorado State Representative
House District 59

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U.S. EPA Region 8
RA's Office

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
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DEC 27 2011

Ref: EPR-SA

J. Paul Brown
Colorado State Representative
State Capitol
200 E. Colfax Avenue, Room 271
Denver, CO 80203

RE: Upper Cement Creek, Silverton, Colorado

Dear Representative Brown:

Thank you for your October 24, 2011, letter regarding Upper Cement Creek and the National Priorities List.

Your letter identifies concerns that are commonly raised by communities when the United States Environmental Protection Agency (EPA) is evaluating an area for the National Priorities List (NPL). Let me assure you that the EPA has not made a decision concerning listing of the Upper Cement Creek area. The decision to propose a site for the NPL can only be made after a technical evaluation is completed to determine if the site is NPL eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.


More than 15 years ago, the EPA committed to a community-based environmental protection effort in San Juan County, and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the Animas River in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas River, is having a negative impact on the Animas. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group (ARSG) has summarized some of these data and the EPA is also evaluating these data. If experience in other mining impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial and long-term operation and maintenance of the solution or solutions may be required.

The EPA is working with other federal agencies, the State, and local community members to identify options to reverse the degradation and improve water quality in the Animas River. It is too soon to make conclusions about how best to correct this condition. However, if the

best solutions require substantial and long-term resources, CERCLA process and the NPL may be the only means to assure that full resources available to the EPA can be committed. EPA is also limited in its ability to fund interim actions and long-term projects that require ongoing operations and maintenance.

The EPA looks forward to continuing the dialogue with local elected officials and the community regarding possible options to address water quality issues in Upper Cement Creek. If you would like to discuss this further, please contact me or your staff may contact Martin Hestmark, Deputy Assistant Regional Administrator for the Office of Ecosystems Protection and Remediation at 303-312-6776 or hestmark.martin@epa.gov.

Sincerely,


James B. Martin
Regional Administrator

